



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,144	09/29/2003	Stephen J. Turner	NUCX121790	5587

24187 7590 07/08/2005

MILLER NASH LLP
4400 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WA 98101-2352

EXAMINER

NGUYEN, THUKHANH T

ART UNIT	PAPER NUMBER
----------	--------------

1722

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,144

Applicant(s)

TURNER ET AL.

Examiner

Thu Khanh T. Nguyen

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-14 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: on line 3, shouldn't the outlet adapted to receive tablets be "the inlet". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Mayner (3,341,892).

Mayner teaches a pelletizing apparatus, comprising an enclosure, or a conduit (10), defining a passage way for cooling the pellets (23); wherein the enclosure having an inlet (18) and an outlet (11), a coolant inlet (30, 42) connected to a coolant source (not shown, which connected to the coolant passages 27 & 40) for supply coolant to the enclosure, so that the tablets are bathed in coolant (25) as they travel through the enclosure.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Mattera (5,215,763).

Mattera teaches a pellet cooling system, comprising a cooling chamber (29) with a container (20), a cylinder (48) and a cover (68), wherein cooling cylinder having an inlet for receiving the die and the pellets being formed from the die and a bottom outlet opening to the container (20), a coolant inlet (52, 54) connected to a coolant source (not shown, col. 2, lines 55-57).

Art Unit: 1722

In regard to claim 2, the cooling cylinder (48) reads on the chute, which has an opening top covered by a cover (68).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattera or Mayner as applied to claim 1 above, and further in view of Gwinn (4,385,016).

Mattera and Mayner fail to disclose a temperature sensor, a controller and a valve for controlling coolant.

Gwinn discloses a pelletizer apparatus, comprising an extruder (7) for forming pellets, a transport water line (19, 21) for cooling and transporting pellets from the extruder, a temperature controller (29) controls the water line in respond to the temperature signal (31), wherein the water could also be manually added by operating the valves (27a-b).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Mattera or Mayner by providing a water valve, a temperature sensing means, and a controller as taught by Gwinn in order to control the temperature of the water and the pellets at different stages during the cooling process.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayner ('892) or Mattera ('763) as applied to claim 1 above, and further in view of Baker et al (4,149,837).

Mayner and Mattera fail to disclose a fan for circulating air in the cooling passage.

Art Unit: 1722

Baker et al disclose a pelletizing apparatus, comprising a cooling system (11, 24, 32) having a fan (39) for circulating air within the cooling system in order to maintain the coolant liquid at a predetermined temperature.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Mayner or Mattera by providing a fan in the cooling system as taught by Baker et al in order to regulate the temperature of coolant during the pellet-cooling process.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayner ('892) or Mattera ('763) as applied to claim 1 above, and further in view of Schermutzki (4,578,021).

Mayner and Mattera fail to disclose that the cooling conduit is insulated.

Schermutzki disclose an apparatus for controlling temperature of pellets, in which the pellets are transported through a water circuit (8) and a cooling jacket (10), wherein the cooling jacket (10) is surrounded by the insulation (22) for better stabilization and constant maintenance of the temperature (col. 4, lines 2-8).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Mayner or Mattera by providing an insulating layer around the cooling means as taught by Schermutzki in order to improve temperature stabilization and constant maintenance.

Allowable Subject Matter

9. Claims 8-14 are allowed over the prior art of record.

Art Unit: 1722

10. The following is an examiner's statement of reasons for allowance: the prior art fails to teach or suggest a tablet press having a tablet outlet, which is in flow communication with a container defining an enclosed space having a hinged lid portion connected to a bottom portion for containing coolant, a coolant inlet coupled to the container for supply coolant to the enclosed space, and a coolant source connected to the coolant inlet.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN



ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300 1700

7/7/05